

As Read in Open Court on 10/4/2019 (CG)

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

AGROFRESH INC.,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 16-662-MN
)	
ESSENTIV LLC, DECCO U.S. POST-)	
HARVEST, INC., CEREXAGRI, INC. d/b/a)	
DECCO POST-HARVEST, and UPL, LTD.,)	
)	
Defendants.)	

PRELIMINARY JURY INSTRUCTIONS FOR AFTER JURY PICKED

(To Be Read by Judge Hall after the Jury is Selected, Seated, and Sworn)

I. INTRODUCTION AND TRIAL SCHEDULE

Members of the jury. As I mentioned earlier, the trial in this case will begin on Monday of next week. I will not be the judge who tries that case. That will be Judge Noreika. On Monday, Judge Noreika will give you some preliminary instructions for guidance on your role as jurors in this case.

This case is expected to take up to five business days to try, from Monday October 7th to Friday October 11th.

The trial will normally begin each day at 9:00 a.m. and will go until around 12:30 p.m., when there will be about a forty-five-minute break for lunch, before continuing until 4:30 or 4:45 p.m. There will be a fifteen-minute break in the morning and another fifteen-minute break in the afternoon.

What I have just outlined is the general schedule. It is possible there will be some interruptions if the judge needs to attend to other matters.

The only significant exception to this schedule may occur when the case is submitted to you for your deliberations. At that point, you will be permitted to deliberate as late as you wish.

Please keep in mind that this is a timed trial. That means the judge has allocated each party a maximum number of hours in which to present all portions of its case. This allows me to assure you that the case is expected to be completed by Friday.

Of course, you can help the Court stay on schedule by being here promptly each morning and being ready to proceed at the end of each break.

II. CONDUCT OF THE JURY

Now before I let you go for the weekend, a few words about your conduct as jurors.

First, you are not to discuss the case with anyone or permit anyone to discuss it with you. Until you retire to the jury room at the end of the case to deliberate on your verdict, you simply are not to talk about this case. If any lawyer, party, or witness does not speak to you when you pass in the hall, ride the elevator, or the like, remember it is because they are not allowed to talk with you, nor you with them. In this way, any unwarranted and unnecessary suspicion about your fairness can be avoided. If anyone should try to talk to you about the case, please bring it to the Court's attention promptly.

Second, do not read or listen to anything touching on this case in any way. By that, I mean that if there is a newspaper or internet article or television or radio report relating to this case, do not read the article or watch or listen to the report.

Third, do not try to do any research or investigate the case on your own. Let me elaborate. During the course of the trial and including this weekend before trial begins, you must not conduct any independent research about the case, the matters in the case, or the individuals or entities involved in the case. In other words, you should not consult dictionaries or reference materials (in print, electronic, or other format) or search websites or blogs on the internet. Also, again, should there happen to be a newspaper article or television or radio report relating to this case, do not read the article or watch or listen to the report. It is important that you decide this case based solely on the evidence presented in the courtroom. Please do not try to find out information from any other sources.

I know that many of you use cell phones, iPhones and other smartphones, iPads and other tablets, the internet, and other forms of technology. You must not talk to anyone about this case or use these tools to communicate electronically with anyone about the case. This includes your

family and friends. You may not communicate with anyone about the case on your cell phone or smartphone, through e-mail, your tablet, text messaging, on Twitter, through any blog or website, through any internet chat room, or by way of any other social networking web sites, including but not limited to Facebook, Twitter, Instagram, LinkedIn, and YouTube.

Finally, you should not form any opinion until all the evidence is in. Keep an open mind until you start your deliberations at the end of the case. You will receive instructions on the law on Monday and again at the end of the case, and those instructions will control your deliberations and decision.

And with that, I will say thank you all very much in advance for your service. You are excused. We'll see you back here at 9:00 am on Monday.